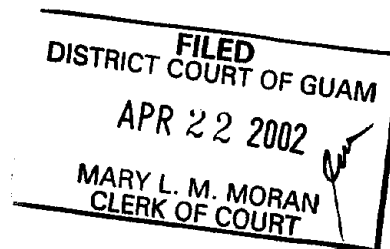


ORIGINAL



1 **BENAVENTE_J.dft**

2 FREDERICK A. BLACK
3 United States Attorney
4 MARIVIC P. DAVID
5 Assistant U.S. Attorney
6 Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagåtña, Guam 96910
TEL: (671) 472-7332
FAX: (671) 472-7215

7 Attorneys for the United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF GUAM

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 JOHN L.G. BENAVENTE,

15 Defendant.

CIVIL CASE NO. 02-00009

DECLARATION OF
MARIVIC P. DAVID

16
17 DECLARATION OF MARIVIC P. DAVID

18 I, MARIVIC P. DAVID, declare that:

19 1. I am the Assistant U.S. Attorney who represents plaintiff in this action.

20 2. Defendant resides within the Territory of Guam.

21 3. According to available records and my best information and belief, the Defendant
22 is not an infant or incompetent person and is not in the military service of the United States
23 within the meaning of the Soldier's and Sailor's Civil Relief Act of 1940, as amended, or
24 otherwise entitled to the benefits of said Act.

25 4. Defendant JOHN L.G. BENAVENTE has been properly served with the
26 Summons and Complaint on March 22, 2002, as shown on the attached filed copy of the
27 Summons in a Civil Action.

28 //

1 5. Defendant has failed to appear or file an answer within the time required by law.

2 6. The default of defendant herein and judgment against her as prayed for in the
3 complaint should be entered.

4 7. The claim of the plaintiff, United States of America, is for a sum certain in a
5 complaint for a debt owed the U.S. Small Business Administration. There is now due and owing
6 from defendant to plaintiff, principal amount of \$20,362.04, plus accrued interest to January 26,
7 2002, in the sum of \$2,972.53, and interest thereafter to the date of judgment at the rate of 3.75
8 percent per annum, and interest from the date of judgment at the legal rate until paid in full;
9 together with costs, including \$150.00 in filing fees under 28 U.S.C. § 2412(a)(2) and 28 U.S.C.
10 § 1914(a), fees; and for such other and further relief as this Court deems just and proper.

11 I declare under penalty of perjury that the foregoing is true and correct to the best of my
12 knowledge.

13 Executed: 4/19/02, at Hagåtña, Guam.

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MARIVIC P. DAVID
Assistant U.S. Attorney

United States District Court

DISTRICT OF GUAM

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER: **02-00009**

JOHN L.G. BENAVENTE

FILED
DISTRICT COURT OF GUAM
APR - 1 2002
MARY L.M. MORAN
CLERK OF COURT

TO: (Name and Address of Defendant)

John L.G. Benavente
P.O. Box 1609
Hagatna, Guam 96932

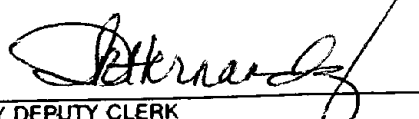
YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

MARIVIC P. DAVID, AUSA
U.S. Attorney's Office
Sirena Plaza
108 Hernan Cortez, Suite 500
Agana, Guam 96910

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MARY L.M. MORAN
CLERK


BY DEPUTY CLERK

MAR 22 2002

DATE

COPY